

REMARKS

Claims 1 to 36 were pending on the September 15, 2008 notification date of the non-final Office Action. Claims 15, 17 and 23 to 36 have been cancelled, without prejudice or disclaimer of subject matter. New claims 37 and 38 have been added. Reconsideration and further examination are respectfully requested.

In the Office Action, claims 1 to 36 were rejected under 35 U.S.C. § 101. As noted above, claims 23 to 36 have been cancelled, without conceding the correctness of the rejection. In response, claim 1 has been amended to further recite the feature of "a persistent storage," thereby tying the process to a particular apparatus as suggested by the Examiner. With regard to new claim 37, however, which also claims a computer program, the Applicants observe that "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permits the computer program's functionality to be realized, and is thus statutory." MPEP § 2106.01(I) (emphasis added). Withdrawal of the § 101 rejection and further examination are requested.

Claims 1 to 14 and 23 to 28 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,041,306 ("Du"); and claims 15 to 22 and 29 to 36 were rejected under 35 U.S.C. § 103(a) over Du in view of Wil M. P. van der Aalst, "Process-Oriented Architectures for Electronic Commerce and Interorganizational Workflow," Information Systems, Vol. 24, No. 8, pp. 639-71 (1999) ("Aalst"). Claims 23 to 36 have been cancelled, without conceding the correctness of these rejections. Furthermore, the substance of dependent claim 15, and several other distinctive features have been incorporated into the independent claims, as described more fully below. Withdrawal of the § 102 and § 103 rejections and further examination are requested.

Referring to particular claim language, independent claim 1 now recites the features of

- "accepting a first private workflow into a first tier of a multi-tiered workflow model, the first private workflow comprising a confidential first plurality of tasks implemented by a first party;"

- “accepting a different, second private workflow into the first tier of the multi-tiered workflow model, the second private workflow comprising a confidential second plurality of tasks implemented by a second party;”
- “abstracting the first workflow and the second private workflow in a second tier of the multi-tiered model to provide respective first and second abstracted, non-confidential views of the first and second private workflows to the second party and the first party, respectively, the first abstracted view including a first plurality of groupings of the first plurality of tasks, and the second abstracted view including a second plurality of groupings of the second plurality of tasks;”
- “ordering the first plurality of groupings and the second plurality of groupings from the first and second, different private workflows into a single combined workflow in a third tier of the multi-tiered workflow model, the combined workflow being shared by the first party and the second party and having a task order that, when executed, provides a desired result of a business collaboration between the first party and the second party;”

Independent claims 37 and 38 recite similar features, in other contexts. The applied references, either alone or in combination (assuming *arguendo* that such a combination were permissible) do not disclose, teach or suggest such features.

The Applicants thank Examiner Mansfield for the frank acknowledgement (with respect to cancelled claim 17) that “Du does not specifically teach *wherein the first workflow is an abstracted workflow associated with a first actual workflow of the first party, and further wherein a confidential nature of the first actual workflow is protected by use of the abstracted workflow in constructing the combined workflow.*” See Office Action, pg. 13. Under a similar logic, the Applicants submit that Du also does not describe the new abstraction and confidentiality features now recited by the independent claims.

Aalst does not remedy the deficiencies of Du. Although it is true that Aalst describes an approach to partition an interorganizational workflow over multiple business partners, it is also true that this approach “assumes that the business partners involved in the interorganizational workflow share a common description of the workflow process definition (i.e. one definition is

replicated).” See Aalst, Abstract and § 5.1, ¶ 1. Unlike Aalst, in which “each business partner uses the same workflow process definition,” the independent claims recite the feature of “a first private workflow ... implemented by a first party” and “a different, second private workflow implemented by a second party.” See Aalst, § 5.1, ¶ 4, and FIG. 10. A *prima facie* case of obviousness has therefore not been shown.

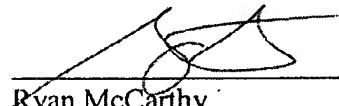
All of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No other matters being raised, and the entire application is fully in condition for allowance, and such action is courteously solicited.

Please apply any charges not otherwise paid, or apply any credits to deposit account 06-1050.

Respectfully submitted,

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